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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,164	02/14/2001	Tetsuro Motoyama	194536US-2	8311

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 05/06/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

326

Office Action Summary

Application No.

09/782,164

Applicant(s)

MOTOYAMA ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-21 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foutana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330).

3. As to claim 1, Fontana teaches the invention substantially as claimed including: a monitoring device (a monitor file 37, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), a first one of the plurality of target applications (tool 17/ tool wrapper 30, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), an interface (start monitoring, col 7, ln 45-65), identification of the first one of the plurality of target applications, col 7, ln 45-65), start monitoring usage of the first one of the plurality of target application(monitoring and capturing a pattern of all file usage of each of said software tools, col 8, ln 47-55), information regarding monitored usage (the details about the tool 17, col 6, ln 25-40), first predetermined destination(a separate file called a monitor file 37, col 6, ln 30-39).

4. Fontana does not explicit teach object oriented method of colleting information. However, Knight teaches object-oriented method of colleting information (object

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oriented programmed application for providing feedback of user interaction with an application, col 3, ln 17-22/ the open class library and function provided in the visualAge C++ products are used by the user/developer, col 5, ln 5-12/ col 48-55).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana and Knight because Knight's "object oriented programmed application for providing feedback of user interaction with an application/ the open class library and function provided in the visualAge C++ products are used by used by the user" would provide class library contains hundreds of pre-defined and pre-tested building blocks along with thousands of methods or functions, making development of object oriented applications faster, easier and less error-prone.

6. As to claim 2, Fontana teaches record a first event (col 7, ln 45-65).

7. As to the claim 3, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches the second one of the plurality of target applications (tool 17, tool 16, col 5, ln 50-67/ Fig. 1).

8. As to claim 8, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches a first device, a second device, a third device (col 6, ln 25-45/ col7, ln 45-65).

9. As to claim 9, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above. In additional, Fontana teaches a fourth device (col 6, ln 25-45/ col7, ln 45-65).

10. As to claim 10, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above. In additional, Fontana teaches a fifth device, sixth device, a seventh device (col 6, ln 25-45/ col7, ln 45-65).

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11. As to **claim 15-17**, they are apparatus claims of claims 1-3; therefore, they are rejected for the same reasons as claim 1-3 above.

12. Claims **4, 11, 18** Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330) and further in view of Fukuhara et al (US. 4,672,611).

13. As to **claim 4**, Fontana teaches a first predetermined communication protocol (lower level protocol / higher lever protocol, col 4, ln 3-10).

14. Fontana and Collins do not teach the interface for format the data. However, Fukuhara teaches the interface for format the data (setting the data format, col 12, ln 9-45).

15. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight and Fukuhara because Fukuhara's "setting the data format" would provides a monitoring displaying system for the serial transmission line in which, data from the transmitting side and from the receiving side are distinguishably.

16. As to **the claims 11, 18**, they are apparatus claims of claim 4; therefore, they are rejected for the same reasons as claim 4 above.

17. Claims **5, 6, 7, 12, 13, 14, 19, 20, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana et al (US. 6,237,143 B1) in view of Knight (US. Patent

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6,126,330) in view of Fukuhara et al (US. 4,672,611) and further in view of Tuominen (data service in a mobile communications network).

18. As to claim 5, 6, Fontana, Knight and Fukuhara do not teach step of determining, based on the determining step converting the first predetermined format protocol to a first acceptable predetermined format/ protocol. However, Tuominen teaches determining, based on the determining step converting the first predetermined format protocol to a first acceptable predetermined format/ protocol (converting them into a format compatible with one of the protocols / one of the protocol of mobile communications into the format, a predetermined criterion, page 3, ln 1-35).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Collins and Fukuhara and Tuominen because Tumoninen's "converting them into a format compatible with one of the protocols / one of the protocol of mobile communications into the format, a predetermined criterion" would make information collection using multiple formats and multiple protocols with verification of formats and protocols more consistent.

20. As to claim 7, Fontana, Knight and Fukuhara do not teach text format, binary format, comma separated format XML format, SMTP and FTP. However, Tuominen teaches text format, binary format, comma separated format XML format, SMTP and FTP (a HTML text, col 16, ln 1-1-36, HTTP(s), POP3, FTP, fig.2).

21. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight and Fukuhara and Tuominen because Tuominen's "a HTML text, col 16, ln 1-1-36, HTTP(s), POP3, FTP"

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would make information collection using multiple formats and multiple protocols with verification of formats and protocols more consistent.

22. As claims 12, 13, 14, 19, 10, 21, they are apparatus claims of claims 5,6,7; therefore, they are rejected for the same reasons as claims 5-7 above.


23. **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
April 23, 2004


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